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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/758,927
Filing Date: January 11, 2001
Appellant(s): CHALLENER ET AL.

Robert Voigt
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed April 4, 2006 appealing from the Office action mailed January 30, 2006.

(1) Real Party in Interest

A statement identifying by name the real part in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,757,823	RAO	6-2004
6,727,629	STEWART	4-2004
5,280,527	GULLMAN	1-1994

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voit et al. (U.S. Patent 6,430,275) in view of Rao et al. (U.S. Patent 6,757,823).

Regarding claim 3, Voit discloses:

A method of integrating telephony function with security and guidance features on an Internet appliance comprising the steps of:

selecting a communication access number using a selection means, said communication access number operable to access a communication link via said Internet appliance (column 7 lines 39 – 58, column 12 line 64 – column 13 line 20, column 19 lines 22 – 27);

alerting a user of said Internet appliance when an attempt is made to select said communication link via a dialing action of said Internet appliance using said communication access number (column 9 lines 56 – 67, column 13 lines 21 – 64, column 18 lines 8 – 12); and

receiving an authorization for said dialing action by said user of said Internet appliance (column 14 lines 40 – 49, column 17 line 66 – column 18 line 8).

Voit does not explicitly disclose using the security protocol for encrypting and decrypting information. Rao discloses a Voice over IP (VoIP) system that explicitly addresses security in a VoIP environment. In Rao's invention, a secure registration process is used that exchange information between calling endpoints (column 4 lines 18 – 35). This information includes encryption algorithms, public key information, and digital signatures. Afterwards, the established encryption and keys are used in encrypting future communications (column 4 lines 30-35). This system of encryption can be implemented in the system of Voit because Voit's system has the capability to support security as it uses the same setup handshake as the system of Rao. Also, the communications between the endpoints is conducted in an analogous fashion. Furthermore, Voit states "security features should be supplied" (column 4 lines 58 – 61) and "communication...is preferably encrypted and secure" (column 9 lines 40 – 45). Therefore it would have been obvious to one of ordinary skill in the art to use the specific security features of Rao with the system of Voit to achieve a secure and encrypted communication line between two parties. This authentication would allow for

not only the security of the communication lines against hackers, but also allows for the repudiation of the calling parties.

Claim 4 is rejected as applied above in rejecting claim 2. Voit does not explicitly disclose using the security protocol for encrypting and decrypting information. Rao discloses a Voice over IP (VoIP) system that explicitly addresses security in a VoIP environment. In Rao's invention, a secure registration process is used that exchange information between calling endpoints (column 4 lines 18 – 35). This information includes encryption algorithms, public key information, and digital signatures. Afterwards, the established encryption and keys are used in encrypting future communications (column 4 lines 30-35). This system of encryption can be implemented in the system of Voit because Voit's system has the capability to support security as it uses the same setup handshake as the system of Rao. Also, the communications between the endpoints is conducted in an analogous fashion. Furthermore, Voit states "security features should be supplied" (column 4 lines 58 – 61) and "communication...is preferably encrypted and secure" (column 9 lines 40 – 45). Therefore it would have been obvious to one of ordinary skill in the art to use the specific security features of Rao with the system of Voit to achieve a secure and encrypted communication line between two parties. This authentication would allow for not only the security of the communication lines against hackers, but also allows for the repudiation of the calling parties.

Claim 5 is rejected as applied above in rejecting claim 3. Furthermore, Voit discloses:

The method of claim 2, wherein said PIM is used to grant or block access to certain area or country telephone codes (column 17 line 66 – column 18 line 8).

Claim 6 is rejected as applied above in rejecting claim 3. Furthermore, Voit discloses:

The method of claim 2, further comprising the step of:

matching said communication access number with an actual system entered communication access number (column 7 lines 39 – 58, column 12 line 64 – column 13 line 20, column 19 lines 22 – 27).

Claim 7 is rejected as applied above in rejecting claim 3. Furthermore, Voit discloses:

The method of claim 2, further comprising the steps of:

monitoring the incoming call for a caller ID (Figure 7, column 17 lines 22 – 31); and

answering and routing said incoming call to a receiving device on the basis of said incoming telephone number (Figure 7, column 17 lines 22 – 31).

Claim 8 is rejected as applied above in rejecting claim 3. Furthermore, Voit discloses:

The method of claim 2, further comprising the step of:

using a built-in key escrow function to notify a trusted server of a current dynamic host configuration protocol (DHCP) assigned IP address along with a key indicating authenticity of transmission so that voice over IP services between devices and a web

page server lookup may be performed in a DHCP environment without side-channel communication for call or web reference look-up (column 17 lines 55 – 61).

Claim 9 is rejected as applied above in rejecting claim 3. Furthermore, Voit discloses:

The method of claim 2, wherein activating said selected communication access number comprises selecting said communication access number from a displayed Internet web page hot spot (column 17 lines 41 – 44).

Claim 10 is rejected as applied above in rejecting claim 3. Furthermore, Voit discloses:

The method of claim 2, wherein said communication access number is selected using an actual or virtual keypad of said Internet appliance (column 9 lines 44 – 55, column 13 lines 14 – 51, column 17 lines 62 – 65, column 19 lines 20 – 26).

Claim 11 is rejected as applied above in rejecting claim 3. Furthermore, Voit discloses;

The method of claim 2, wherein said communication link comprises a non-concurrent shared dial-up public switched telephone network (PSTN) connection between a telephone connection and an Internet connection (Figure 3. column 8 lines 24 – 32).

Claim 12 is rejected as applied above in rejecting claim 3. Furthermore, Voit discloses:

The method of claim 2, wherein said communication link has separate connections for an Internet connection and a telephone connection (Figure 3. column 8 lines 24 – 32).

Claim 13 is rejected as applied above in rejecting claim 3. Furthermore, Voit discloses:

The method of claim 2, wherein said communication link comprises a concurrent communication link for an Internet and a telephone connection (Figure 3. column 8 lines 24 – 32).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 14, 16-30, and 32 – 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Voit et al. (U.S. Patent 6,430,275) in view of Stewart (U.S. Patent 6,272,629).

Regarding claim 14, Voit discloses:

A system for integrating telephony function with security and guidance features on an Internet appliance (IA):

one or more personal identification means (PIM) input units coupled to a system bus in said ICA, said PIM input units operable to generate unique PIM signals (column 9 lines 44 – 55, column 13 lines 14 – 51, column 17 lines 62 – 65, column 19 lines 20 – 26);

a security protocol circuit operable to encrypt, decrypt, store and retrieve said PIM signals (column 9 lines 38 – 55);

a PIM verification circuit operable to receive said PIM signals and compare them to secure predetermined PIM signals, said PIM verification circuit generating a verification signal (column 9 lines 38 – 65);

one or more Modems coupled to a dialing action controller and to communication lines (Figure 4 item 344, Figure 9);

said Modems operable to send and receive communication data (Figure 4 item 344, Figure 9); and

a dialing action controller (DAC) coupled to said system bus and said Modems, said DAC operable receive a dialing action request and to alert a user of said dialing action and to enable or disable said dialing action to said Modems in response to said verification signal and a user signal (column 9 lines 56 – 67, column 13 lines 21 – 64, column 18 lines 8 – 12).

Voit does not explicitly that a device driver code is used. Stewart discloses using a device driver code to start a network connection (column 4 lines 14-52, column 5 lines 10-43). Voit and Stewart are analogous arts as both use modems to establish network

connections. Voit discloses the use of modems and according to Stewart, "almost all modems in use at the present time are so-called "driver-based" modems" (column 4 lines 14-20). Furthermore, Stewart states that a device driver code is used for the modem to "establish a network connection" (see Abstract). Therefore, it would have been obvious to one of ordinary skill in the art to use the device driver code of Stewart in the modems of Voit to "establish a network connection."

Regarding claim 30, Voit discloses:

An Internet appliance, comprising:

a central processing unit (CPU) (Figure 9);

a read only memory (ROM) (Figure 9);

a random access memory (RAM) (Figure 9);

a user interface adapter coupled to a keyboard and a mouse (Figure 9);

a display interface adapter coupled to a user display (Figure 9);

an I/O interface adapter (Figure 9);

a system bus (Figure 9);

a communication adapter (Figure 9); and

a security processor unit, said security processor unit further comprising:

one or more personal identification means (PIM) input units coupled to a system bus in said ICA, said PIM input units operable to generate unique PIM signals (column 9 lines 44 – 55, column 13 lines 14 – 51, column 17 lines 62 – 65, column 19 lines 20 – 26);

a security protocol circuit operable to encrypt, decrypt, store and retrieve said PIM signals (column 9 lines 38 – 55);

a PIM verification circuit, said PIM verification circuit operable to receive said PIM signals and compare them to secure predetermined PIM signals, said PIM verification circuit generating a verification signal (column 9 lines 38 – 65);

one or more Modems coupled to a dialing action controller and to communication lines, said Modems operable to send and receive communication data (Figure 9); and

a dialing action controller (DAC) coupled to said system bus and said Modems, said DAC operable receive a dialing action request and to alert a user of said dialing action and to enable or disable said dialing action to said Modems in response to said verification signal and a user signal (column 9 lines 56 – 67, column 13 lines 21 – 64, column 18 lines 8 – 12).

Voit does not explicitly that a device driver code is used. Stewart discloses using a device driver code to start a network connection (column 4 lines 14-52, column 5 lines 10-43). Voit and Stewart are analogous arts as both use modems to establish network connections. Voit discloses the use of modems and according to Stewart, "almost all modems in use at the present time are so-called "driver-based" modems" (column 4 lines 14-20). Furthermore, Stewart states that a device driver code is used for the modem to "establish a network connection" (see Abstract). Therefore, it would have been obvious to one of ordinary skill in the art to use the device driver code of Stewart in the modems of Voit to "establish a network connection."

Claim 16 is rejected as applied above in rejecting claim 14. Furthermore, Voit discloses:

The system of claim 14, wherein said Modem comprises: a digital subscriber line (DSL) Modem (Figure 4 item 344, Figure 9).

Claim 17 is rejected as applied above in rejecting claim 14. Furthermore, Voit discloses:

The system of claim 14, wherein said Modem comprises:

a wireless cellular modem (Figure 4 item 344, Figure 9).

Claim 18 is rejected as applied above in rejecting claim 14. Furthermore, Voit discloses:

The system of claim 14, wherein said Modem comprises:

a wireless personal communication system (PCS) modem (Figure 4 item 344, Figure 9).

Claim 19 is rejected as applied above in rejecting claim 14. Furthermore, Voit discloses:

The system of claim 14, wherein said Modem comprises: a cable Modem (Figure 4 item 344, Figure 9).

Claim 20 is rejected as applied above in rejecting claim 14. Furthermore, Voit discloses:

The system of claim 14, wherein said Modem comprises a public subscriber telephone network (PSTN) Modem (Figure 4 item 344, Figure 9).

Claim 21 is rejected as applied above in rejecting claim 14. Furthermore, Voit discloses:

The system of claim 14, wherein said DAC alerts said user of a dialing action by display on a user display screen coupled to said IA (column 9 lines 56 – 67, column 13 lines 21 – 64, column 18 lines 8 – 12).

Claim 22 is rejected as applied above in rejecting claim 14. Furthermore, Voit discloses:

The system of claim 14, wherein said DAC retrieves a connectivity cost and alerts said user of a connectivity cost associated with a requested dialing action if said dialing action is authorized (column 10 lines 13 – 20, column 18 lines 9 – 21).

Claim 23 is rejected as applied above in rejecting claim 14. Furthermore, Voit discloses:

The system of claim 14, wherein said user signal is a response by said user to said connectivity cost alert for said dialing action (column 18 lines 9 – 33).

Claim 24 is rejected as applied above in rejecting claim 14. Furthermore, Voit discloses:

The system of claim 14, wherein said user is given an option of communicating on an established communication link in response to an authorized and enabled dialing action using said security protocol (column 18 lines 9 – 33).

Claim 25 is rejected as applied above in rejecting claim 14. Furthermore, Voit discloses:

The system of claim 14, wherein said DAC uses a built-in key escrow function to notify a trusted server of a current dynamic host configuration protocol (DHCP) assigned IP address along with a key indicating authenticity of transmission so that voice over IP services between devices and a web page server lookup may be performed in a DHCP environment without side-channel communication for call or web reference look-up (column 17 lines 55 – 61).

Claim 26 is rejected as applied above in rejecting claim 14. Furthermore, Voit discloses:

The system of claim 14, wherein said dialing action request comprises:

entering a communication access number via a keyboard keypad, a virtual display keypad, or by clicking a "hot spot" on a Web page (column 9 lines 44 – 55, column 13 lines 14 – 51, column 17 lines 62 – 65, column 19 lines 20 – 26).

Claim 27 is rejected as applied above in rejecting claim 14. Furthermore, Voit discloses:

The system of claim 14, wherein said connectivity cost alert notifies a user of an actual toll call cost for a communication link corresponding to said authorized and enabled dialing action (column 10 lines 13 – 20, column 18 lines 9 – 21).

Claim 28 is rejected as applied above in rejecting claim 14. Furthermore, Voit discloses:

The system of claim 14, wherein said user is alerted of said dialing action whether said dialing action was initiated locally or remote by another user (column 9 lines 56 – 67, column 13 lines 21 – 64, column 18 lines 8 – 12).

Claim 29 is rejected as applied above in rejecting claim 14. Furthermore, Voit discloses:

The system of claim 13, wherein DAC monitors incoming communication access numbers and directs communication to a answering or recording device or forwards the communication to another communication link in response to comparing said incoming communication access numbers to a predetermined, stored communication access numbers list (column 7 lines 39 – 58, column 12 line 64 – column 13 line 20, column 19 lines 22 – 27).

Claim 32 is rejected as applied above in rejecting claim 30. Furthermore, Voit discloses:

The Internet appliance of claim 30, wherein said Modem comprises: a digital subscriber line (DSL) Modem (Figure 4 item 344, Figure 9).

Claim 33 is rejected as applied above in rejecting claim 30. Furthermore, Voit discloses:

The Internet appliance of claim 30, wherein said Modem comprises: a wireless cellular modem (Figure 4 item 344, Figure 9).

Claim 34 is rejected as applied above in rejecting claim 30. Furthermore, Voit discloses:

The Internet appliance of claim 30, wherein said Modem comprises:

a wireless personal communication system (PCS) modem (Figure 4 item 344, Figure 9).

Claim 35 is rejected as applied above in rejecting claim 30. Furthermore, Voit discloses:

The Internet appliance of claim 30, wherein said Modem comprises a cable Modem (Figure 4 item 344, Figure 9).

Claim 36 is rejected as applied above in rejecting claim 30. Furthermore, Voit discloses:

The Internet appliance of claim 29, wherein said Modem comprises a public subscriber telephone network (PSTN) Modem (Figure 4 item 344, Figure 9).

Claim 37 is rejected as applied above in rejecting claim 30. Furthermore, Voit discloses:

The Internet appliance of claim 30, wherein said DAC alerts said user of a dialing action by display on a user display screen coupled to said IA (column 9 lines 56 – 67, column 13 lines 21 – 64, column 18 lines 8 – 12).

Claim 38 is rejected as applied above in rejecting claim 30. Furthermore, Voit discloses:

The Internet appliance of claim 30, wherein said DAC retrieves a connectivity cost and alerts said user of a connectivity cost associated with a requested dialing action if said dialing action is authorized (column 10 lines 13 – 20, column 18 lines 9 – 21).

Claim 39 is rejected as applied above in rejecting claim 30. Furthermore, Voit discloses:

The Internet appliance of claim 30, wherein said user signal is a response by said user to said connectivity cost alert for said dialing action (column 18 lines 9 – 33).

Claim 40 is rejected as applied above in rejecting claim 30. Furthermore, Voit discloses:

The Internet appliance of claim 30, wherein said user is given an option of communicating on an established communication link in response to an authorized and enabled dialing action using data encryption (column 18 lines 9 – 33).

Claim 41 is rejected as applied above in rejecting claim 30. Furthermore, Voit discloses:

The Internet appliance of claim 30, wherein said DAC uses a built-in key escrow function to notify a trusted server of a current dynamic host configuration protocol (DHCP) assigned IP address along with a key indicating authenticity of transmission so that voice over IP services between devices and a web page server lookup may be performed in a DHCP environment without side-channel communication for call or web reference look-up (column 17 lines 55 – 61).

Claim 42 is rejected as applied above in rejecting claim 30. Furthermore, Voit discloses:

The Internet appliance of claim 29, wherein said dialing action request comprises:

entering a communication access number via a keyboard keypad, a virtual display keypad, or by clicking a "hot spot" on a Web page (column 9 lines 44 – 55, column 13 lines 14 – 51, column 17 lines 62 – 65, column 19 lines 20 – 26).

Claim 43 is rejected as applied above in rejecting claim 30. Furthermore, Voit discloses:

The Internet appliance of claim 30, wherein said connectivity cost alert notifies a user of an actual toll call cost for a communication link corresponding to said authorized and enabled dialing action (column 10 lines 13 – 20, column 18 lines 9 – 21).

Claim 44 is rejected as applied above in rejecting claim 30. Furthermore, Voit discloses:

The Internet appliance of claim 30, wherein said user is alerted of said dialing action whether said dialing action was initiated locally or remote by another user (column 9 lines 56 – 67, column 13 lines 21 – 64, column 18 lines 8 – 12).

Claim 45 is rejected as applied above in rejecting claim 30. Furthermore, Voit discloses:

The Internet appliance of claim 30, wherein DAC monitors incoming communication access numbers and directs communication to a answering or recording device or forwards the communication to another communication link in response to comparing said incoming communication access numbers to a predetermined, stored

communication access numbers list (column 7 lines 39 – 58, column 12 line 64 – column 13 line 20, column 19 lines 22 – 27).

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Voit et al. (U.S. Patent 6,430,275) in view of Rao et al. (U.S. Patent 6,757,823) further in view of Stewart (U.S. Patent No. 6,272,629).

Claim 2 is rejected as applied above in rejecting claim 1. Furthermore, Voit discloses:

The method of claim 1 wherein said authorization comprises the sub steps of:

prompting said user to enter a user personal identification means (PIM) in response to selecting said communication access number (column 9 lines 44 – 55, column 13 lines 14 – 51, column 17 lines 62 – 65, column 19 lines 20 – 26);

initiating a pre-determined security protocol to retrieve a corresponding secure PIM for comparison (column 9 lines 38 – 55);

correlating said user personal identification means with said secure PIM (column 9 lines 38 – 65);

authorizing or rejecting said dialing action in response to said correlation (column 9 lines 38 – 65);

retrieving secure device driver code for executing said dialing action using said security protocol in response to said authorization;

displaying, if said dialing action is authorized, a connectivity cost alert for said communication link (column 10 lines 13 – 20, column 18 lines 9 – 21); and

executing said dialing action using said device driver code for said communication link in response to said authorization and a user response to said connectivity cost alert (column 18 lines 9 – 33).

Voit does not explicitly that a device driver code is used. Stewart discloses using a device driver code to start a network connection (column 4 lines 14-52, column 5 lines 10-43). Voit and Stewart are analogous arts as both use modems to establish network connections. Voit discloses the use of modems and according to Stewart, "almost all modems in use at the present time are so-called "driver-based" modems" (column 4 lines 14-20). Furthermore, Stewart states that a device driver code is used for the modem to "establish a network connection" (see Abstract). Therefore, it would have been obvious to one of ordinary skill in the art to use the device driver code of Stewart in the modems of Voit to "establish a network connection."

Claims 15 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voit et al. (U.S. Patent 6,430,275) in view of Stewart (U.S. Patent No. 6,272,629) further in view of Gullman et al. (U.S. Patent 5,280,527).

Claim 15 is rejected as applied above in rejecting claim 14. Furthermore, Voit discloses:

The system of claim 14, wherein the authorization unit comprises:

a personal identification number input unit ((column 9 lines 44 – 55, column 13 lines 14 – 51, column 17 lines 62 – 65, column 19 lines 20 – 26).

Voit does not explicitly disclose an authorization unit which also includes a smart card reader, a biometric input unit, and a voice recognition unit. Gullman discloses the use of a smart card, biometric input and a voice recognition unit for use in a computer system. Gullman states that the use of the biometric input provides a system which a user does not have to "remember the number or password" (column 1 lines 45 – 50). Since the system of Voit uses a computer to initiate and handle the calls, it is obvious that an authorization unit can be added to a computer port. Biometric authentication is well-known in the art and is disclosed by Gullman. Therefore, it would have been obvious to one of ordinary skill in the art to use the authorization unit of Gullman in conjunction with the authorization system to provide a biometric alternative to the password input of Voit, increasing individual security by precluding a hacker who has gained access to the account number and password to feign that he is the actual user and place unauthorized calls.

Claim 31 is rejected as applied above in rejecting claim 30. Furthermore, Voit discloses:

The system of claim 30, wherein the authorization unit comprises:

a personal identification number input unit ((column 9 lines 44 – 55, column 13 lines 14 – 51, column 17 lines 62 – 65, column 19 lines 20 – 26).

Voit does not explicitly disclose an authorization unit which also includes a smart card reader, a biometric input unit, and a voice recognition unit. Gullman discloses the use of a smart card, biometric input and a voice recognition unit for use in a computer system. Gullman states that the use of the biometric input provides a system which a user does not have to "remember the number or password" (column 1 lines 45 – 50). Since the system of Voit uses a computer to initiate and handle the calls, it is obvious that an authorization unit can be added to a computer port. Biometric authentication is well-known in the art and is disclosed by Gullman. Therefore, it would have been obvious to one of ordinary skill in the art to use the authorization unit of Gullman in conjunction with the authorization system to provide a biometric alternative to the password input of Voit, increasing individual security by precluding a hacker who has gained access to the account number and password to feign that he is the actual user and place unauthorized calls.

(10) Response to Argument

The Applicant has argued:

That Voit and Rao, taken singly or in combination, do not teach or suggest "using said security protocol for encrypting and decrypting information transmitted on said communication link in response to authorizing said dialing action for said communications link."

The Examiner contends that Voit and Rao in combination do teach using a security protocol which encrypts and decrypts information transmitted on a

communications link in response to authorizing a dialing action. Rao teaches using a secure registration process between calling endpoints which is used to exchange encryption information between the endpoints (column 4 lines 18-35). Afterwards, the established encryption algorithm and keys are used in encrypting future communications between the endpoints (column 4 lines 30-35). Voit explicitly states "security features should be supplied" (column 4 lines 58-61) and "communication...is preferably encrypted and secure" (column 9 lines 40-45). In this case, it would have been obvious to one of ordinary skill in the art at the time of invention to use the specific security features of encrypting communications of Rao with the system of Voit, as Voit explicitly states that communications are preferably encrypted and that security features should be provided in order to secure communications (Voit: column 9 lines 40-45).

Applicant further argues:

There is no teaching that a personal identification means is used to grant or block access to certain area codes or country telephony codes.

The Examiner contends that Voit teaches using a personal identification means to grant or block access to certain area codes or country telephony codes. Voit states that a called number is passed to the C2 object along with a user name and password (personal identification means) (column 17 lines 60-64). Then an authorization request is placed using the user identification, which then determines if the call can be placed based on the account status of the user and the cost of the call (column 17 line 66 – column 18 line 5). The cost of a call is well-known to be based on the location of the

receiver with respect to the caller (area code) and the fact that the user is authorized based on the cost which is related to the area code, then the Examiner contends that blocking access based on the cost is also blocking access based on the destination area code.

Applicant further argues:

There is no teaching of "matching said communication access number with an actual system entered communication access number."

The Examiner contends that Voit teaches matching an communication access number with an actual system entered communication access number. Voit states that a user enters a phone number, which is then matched with an IP address (column 18 lines 35-40). This IP address is used to access the calling party. Therefore, the communication access number (IP address) is matched with an entered communication access number (dialed number).

Applicant further argues:

There is no teaching of "monitoring an incoming call for a caller ID."

The Examiner contends that Voit teaches monitoring a call for a caller ID. In the embodiment, where the calls is placed to a PC, the incoming number and other call information are presented in real-time by the V/IP application software "via a visual display" (column 17 48-50). This visual display presented on the PC's during a call is interpreted as the caller ID as it displays the calling/called number to the user.

Applicant further argues:

There is no teaching of "answering and routing said incoming call to a receiving device on the basis of said incoming telephone number." The Examiner contends that Voit does teach "answering and routing said incoming call to a receiving device on the basis of said incoming telephone number." Voit teaches that the dialed telephone number is entered, from which an IP address for the called party is returned (column 18 lines 36-39). Based on the IP address, the call is forward to a particular network, sub-network, and eventually a receiving party.

Applicant further argues:

There is no teaching of "using a built-in key escrow function to notify a trusted server of a current dynamic host configuration protocol (DHCP) assigned IP address along with a key indicating authenticity of transmission so that voice over IP services between devices and a web page server lookup may be performed in a DHCP environment without side-channel communication for a call or web reference look-up."

The Examiner contends that Voit and Rao, in combination do teach a DHCP assigned IP address along with a key indicating authenticity of the transmission. Voit teaches that V/IP phones or computers running V/IP software are connected to an IP network, which must be via a call-manager or switch (Figure 1B). These elements use DHCP to assign addresses to the V/IP phones. Furthermore, Rao uses a secure registration process for Voice over IP setup between the phone and the gateway (call

manager/switch) (column 4 lines 19-41). This exchange involves sending public keys along with the set-up messages. Therefore, it is asserted that in combination, Voit and Rao teach notifying a server of DHCP assigned IP addresses sent with a key.

The Applicant further argues:

There is no teaching of "wherein activating said selected communication access number comprises selecting said communication access number from a displayed Internet web page hot spot."

The Examiner contends that Voit teaches using a web page hot spot to selected a communication access number. Voit teaches launching the V/IP application, which can be from a plug-in to an existing browser which presents a template of fields to place a call, including a field to choose or enter a number to be dialed (column 17 lines 39-47). This plug-in is interpreted to be an Internet hot spot as it is present on an Internet browser, and allows the dialing of a number from the browser.

The Applicant further argues:

There is no teaching of "wherein said communication access number is selected using an actual or virtual keypad of said Internet appliance."

The Examiner contends that Voit teaches using a V/IP software on a PC or a phone to dial a number using a keypad or a virtual keypad. Voit states that the user can populate a number to be called field (column 17 lines 39-46). This populating of the called field has to either be done using a keyboard (actual keypad) or the virtual keypad

present on the V/IP interface on the PC. Therefore, it is asserted that the communication access number is selected using an actual or virtual keypad.

The Applicant further argues:

There is no teaching of "wherein said communication link comprises a concurrent communication link for an Internet and a telephone connection."

The Examiner contends that Voit teaches a communication link, which comprises a concurrent communication link for an Internet and a telephone communication. Voit teaches that a modem and an Ethernet connection can exist concurrently (Figure 9). Therefore, it is asserted that Voit discloses a concurrent communication link and a telephone connection.

The Applicant further argues:

There has been no presented source of motivation or combining Voit with Rao.

The Examiner contends that Rao provides a secure method of communication using encryption. Voit states that "security features should be supplied" (column 4 lines 58-61) and that "communication...is preferably encrypted and secure" (column 9 lines 40-45). Voit states the need for the encryption and security, but does not explicitly define a method of providing that encryption and security. Rao uses security in a Voice over IP environment, which Voit is the system which Voit is using. Therefore, it is asserted that the motivation comes from the need expressed in the disclosure of Voit for

encryption and security, and the fact that both Voit and Rao are directed towards the same environment.

The Applicant further argues:

There is no teaching or suggestion of "one or more personal identification means (PIM) input units coupled to a system bus in said ICA, said PIM input units operable to generate unique PIM signals."

The Examiner contends that Voit does teach a personal identification means which are coupled to the Internet Appliance. Voit states that the "C2 object may require a user ID and password prior to completing a V/IP call" (column 13 lines 26-29). The user ID and password described by Voit, are a prompt that requires the user to input his/her user ID (personal identification) in order to access the communication link.

Applicant further argues:

There is no teaching or suggestion of "a security protocol circuit operable to encrypt, decrypt, store and retrieve said PIM signals and device driver code."

The examiner contends that Voit teaches that the communications are preferably encrypted and secure (column 9 lines 44-45). The communication between two endpoints is encrypted, and therefore, the decryption function is inherent in the endpoints, or else no communications could be understood. Furthermore, the argument that the cited prior arts do not teach retrieving a device driver code is not found persuasive. Stewart was used to teach the limitation of using drivers in modems.

Stewart states that "almost all modems in use at the present time are so-called "driver-based" modems" (column 4 lines 14-20). Therefore, based on Stewart's teaching, at the time of invention, Voit would use a driver-based modem because that would the predominant type of modem available to use in a network to "establish a network connection" (Stewart: Abstract). Therefore, the motivation to use such a modem is that it is the most common modem that would have been available at the time of invention.

Applicant further argues:

There is no teaching of "a dialing action controller (DAC) coupled to said system bus and said Modems, said DAC operable to retrieve a dialing action request and to alert a user of said dialing action and to enable or disable said dialing action to said Modems in response to said verification signal and a user signal."

The Examiner contends that the Voit teaches a dialing action controller that is operable to retrieve a dialing action request and to alert a user of the dialing action and to enable/disable the dialing action in response to a verification signal and a user signal. Voit teaches that the "C2 object is able to signal various states of a connection (ringing, busy, etc.) to a PC user" (column 13 lines 18-21), and further states that the "C2 object may require a user ID and a password prior to completing a V/IP call" (column 13 lines 26-29). This is interpreted as being the dialing action controller because the dialing is disabled if the authorization information is incorrect, and enabled when the proper user name and password are received.

Applicant further argues:

There is no teaching of a personal identification means input unit in an Internet appliance.

The Examiner contends that the Internet appliance is any device that is coupled to the Internet. Furthermore, Voit states that the "C2 object may require a user ID and a password prior to completing a V/IP call" (column 13 lines 26-29). The computer that is authorizing the dialing, where the user enters his user name and password, is being interpreted as the Internet appliance and the personal identification input means is the keyboard wherein the password is being entered by the user. It is also well-known, that any password entered by the user, has to be placed on a system bus to be transported to the processor wherein the comparison of the user name and password take place.

Applicant further argues:

The Voit and Stewart references are not analogous arts.

The Examiner contends that Voit and Stewart are analogous arts as both deal with network communications, and both use modems to establish network connections.

Applicant further argues:

There is no teaching of using a Digital Subscriber Line modem, a wireless cellular modem, a wireless personal communication system (PCS) modem, a cable modem, or a public subscriber telephone network (PSTN) modem.

The Examiner contends that Voit teaches the use of a modem (Figure 4 item 344, Figure 9). Voit does not explicitly state which kind of modem is being used. However, it would have been obvious to one of ordinary skill in the art at the of invention to use any of the above modems depending on the bandwidth needs and the network of the user. Cable modems and DSL modems provide higher bandwidth, while the wireless modems can be used if the networks are wireless.

Applicant further argues:

There is no teaching of "wherein said user is given an option of communicating on an established communication link in response to an authorized and enabled dialing action using said security protocol."

The Examiner contends that Voit teaches giving an option of communicating on established communication link in response to an authorized and enabled dialing action using a security protocol. Voit teaches that the "C2 object is able to signal various states of a connection (ringing, busy, etc.) to a PC user" (column 13 lines 18-21), and further states that the "C2 object may require a user ID and a password prior to completing a V/IP call" (column 13 lines 26-29). The user may then place the call after the authentication takes place, which is equivalent to communicating on an established communication link.

Applicant further argues:

There is no teaching of "using a built-in key escrow function to notify a trusted server of a current dynamic host configuration protocol (DHCP) assigned IP address along with a key indicating authenticity of transmission so that voice over IP services between devices and a web page server lookup may be performed in a DHCP environment without side-channel communication for a call or web reference look-up."

The Examiner contends that Voit and Rao, in combination do teach a DHCP assigned IP address along with a key indicating authenticity of the transmission. Voit teaches that V/IP phones or computers running V/IP software are connected to an IP network, which must be via a call-manager or switch (Figure 1B). These elements use DHCP to assign addresses to the V/IP phones. Furthermore, Rao uses a secure registration process for Voice over IP setup between the phone and the gateway (call manager/switch) (column 4 lines 19-41). This exchange involves sending public keys along with the set-up messages. Therefore, it is asserted that in combination, Voit and Rao teach notifying a server of DHCP assigned IP addresses sent with a key.

The Applicant further argues:

There is no teaching of "wherein said communication access number is selected using an actual or virtual keypad of said Internet appliance."

The Examiner contends that Voit teaches using a V/IP software on a PC or a phone to dial a number using a keypad or a virtual keypad. Voit states that the user can populate a number to be called field (column 17 lines 39-46). This populating of the called field has to either be done using a keyboard (actual keypad) or the virtual keypad

present on the V/IP interface on the PC. Therefore, it is asserted that the communication access number is selected using an actual or virtual keypad.

The Applicant further argues:

There is no teaching of "wherein activating said selected communication access number comprises selecting said communication access number from a displayed Internet web page hot spot."

The Examiner contends that Voit teaches using a web page hot spot to selected a communication access number. Voit teaches launching the V/IP application, which can be from a plug-in to an existing browser which presents a template of fields to place a call, including a field to choose or enter a number to be dialed (column 17 lines 39-47). This plug-in is interpreted to be an Internet hot spot as it is present on an Internet browser, and allows the dialing of a number from the browser.

The Applicant further argues:

There is no teaching of "wherein said user is alerted of said dialing action whether said dialing action was initiated locally or remote by another user."

The Examiner contends that Voit teaches alerting of a dialing action whether the dialing action was initiated locally or remotely by another user. Voit teaches that the "C2 object is able to signal various states of a connection (ringing, busy, etc.) to a PC user" (column 13 lines 18-21), and further states that the "C2 object may require a user ID and a password prior to completing a V/IP call" (column 13 lines 26-29). The various

states of the connection are interpreted as the alerting the user, and as stated above, a user ID and password are required to authorize the calls.

The Applicant further argues:

There is no teaching of "wherein DAC monitors incoming communication access numbers and directs communication to a answering or recording service or forwards the communication to another communication link in response to comparing said incoming communication access numbers to a predetermined, stored communication access numbers list."

The Examiner contends that Voit does teach monitoring communication access numbers and directing communication to an answering or recording service or forwarding the communication to another communication link in response to comparing the incoming communication access number to a predetermined, stored communication access numbers list. Voit teaches that the dialed telephone number is entered, from which an IP address for the called party is returned (column 18 lines 36-39). Based on the IP address, the call is forward to a particular network, sub-network, and eventually a receiving party. The IP address is the communication access number which is compared to the communication access number list. If a call is received by a gateway/router as disclosed by Voit, the IP address is checked, and if it is not destined for that router's network, the call is forwarded on to another router, where the same process is followed, until the receiving party receives the call.

Applicant further argues:

There is no teaching of "prompting said user to enter a user personal identification means (PIM) in response to selecting said communication access number."

The Examiner contends that Voit teaches prompting a user to enter a personal identification means in response to selected a communication access number. Voit discloses that an authorization requests can be relayed during a call which usually comprises an account number and password provided by the user (column 13 lines 39-42). This authorization request is interpreted as being the same as prompting a user to enter the personal identification means as it is being requested of the user to enter a password and account number.

Applicant further argues:

There is no teaching of "initiating a pre-determined security protocol to retrieve a corresponding secure PIM for comparison."

The Examiner contends that Voit teaches prompting a user to enter a personal identification means in response to selected a communication access number. Voit discloses that an authorization requests can be relayed during a call which usually comprises an account number and password provided by the user (column 13 lines 39-42). This authorization request is interpreted as being the same as prompting a user to enter the personal identification means as it is being requested of the user to enter a

password and account number. This can be interpreted as a pre-determined security protocol because it is used to authorize calls by a user.

Applicant further argues:

There is no teaching of "retrieving secure device driver code for executing said dialing action using said security protocol in response to said authorization."

Stewart was used to teach the limitation of using drivers in modems. Stewart states that "almost all modems in use at the present time are so-called "driver-based" modems" (column 4 lines 14-20). Therefore, based on Stewart's teaching, at the time of invention, Voit would benefit from using a driver-based modem because that would the predominant type of modem available to use in a network to "establish a network connection" (Stewart: Abstract). Therefore, the motivation to use such a modem is that it is the most common modem that would have been available at the time of invention.

Applicant further argues:

There is no teaching of "executing said dialing action using said device driver code for said communication link in response to said authorization and a user response to said connectivity alert."

The Examiner contends that cited prior arts teach executing a dialing action using a device driver code in response to the authorization and a user response to the connectivity alert. The Applicant argues that Voit teaches that the PC responds after the call has been established. However, Voit clearly states that successful

account validation is a *prerequisite* to successful call establishment (column 13 lines 45-48). This account validation comprises a response to the authorization request where an account number and password are provided by the user before the call can be established (column 13 lines 39-43). Stewart was used to teach the limitation of using drivers in modems. Stewart states that "almost all modems in use at the present time are so-called "driver-based" modems" (column 4 lines 14-20). Therefore, based on Stewart's teaching, at the time of invention, Voit would use a driver-based modem because that would the predominant type of modem available to use in a network to "establish a network connection" (Stewart: Abstract). Therefore, the motivation to use such a modem is that it is the most common modem that would have been available at the time of invention.

Applicant further argues:

Stewart is not analogous prior art.

The Examiner contends that Stewart is prior art. Stewart is analogous art because it also deals with communication over a network with the use of modems, which is similar to the network communication methods of Voit.

Applicant further argues:

The motivation to combine the references of Voit and Stewart is insufficient to establish a *prima facie* case of obviousness.

The Examiner contends that there is motivation for combining the references of Voit and Stewart. Stewart was used to teach the limitation of using drivers in modems. Stewart states that "almost all modems in use at the present time are so-called "driver-based" modems" (column 4 lines 14-20). Therefore, based on Stewart's teaching, at the time of invention, Voit would benefit from using a driver-based modem because that would the predominant type of modem available to use in a network to "establish a network connection" (Stewart: Abstract). Therefore, the motivation to use such a modem is that it is the most common modem that would have been available at the time of invention.

Applicant further argues:

There is no teaching or suggestion of a smart card reader.

The Examiner contends that the Voit and Gullman references in combination do teach a smart card reader. Gullman states that an IC card storing biometric information, and used for the purpose of accessing secure areas (column 5 lines 34-39). Furthermore, in this embodiment, there is a scanning device (smart card reader) which can read biometric data from the card (column 5 lines 49-54). Therefore, it is interpreted that this sensor is a smart card reader.

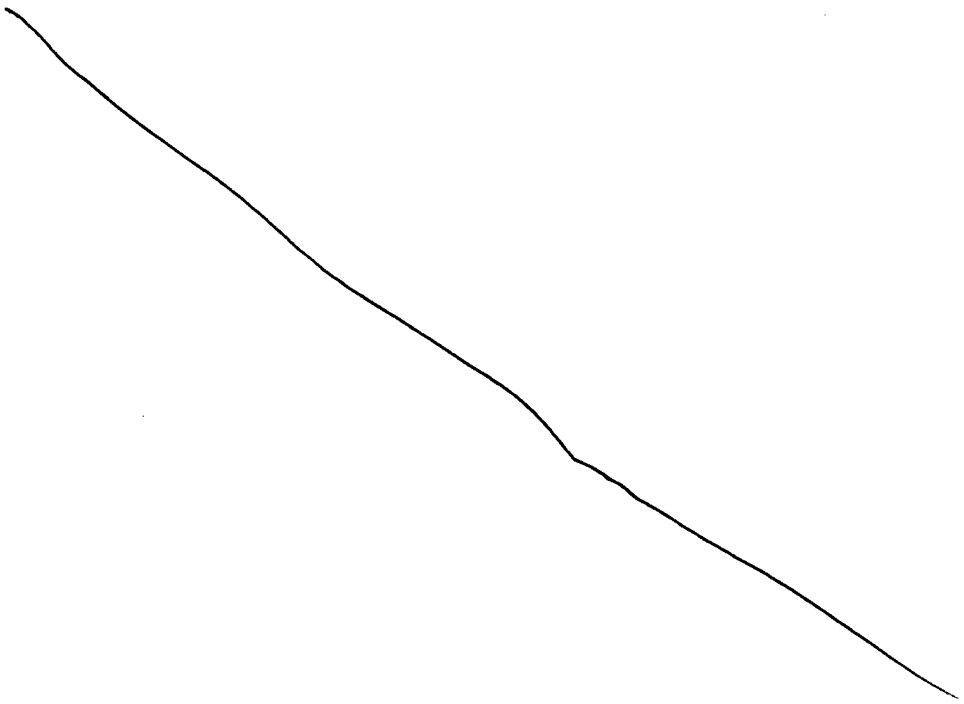
Finally, the Applicant argues:

There is no motivation for combining the teachings of Voit and Stewart with Gullman.

The Examiner contends that there is proper motivation for combining these references. Voit teaches a method of authorizing calls by entering an account number and password before a call is established. Gullman states that the biometric security mechanism "adds another level of security to the access process" (column 3 lines 34-36). The use of a biometric security mechanism as disclosed by Gullman, would provide another level of security to the call establishment process of Voit, and would also allow a system in case the users do not want to remember a user name and password (Gullman: column 1 lines 45-50). Therefore, it is asserted that there is proper motivation for combining the above references.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.



(12) Conclusion

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

KA 06/21/2006

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